FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.156 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Shailesh Kantharia for the applicant.

Mrs.M.H.Mhatre APP for the State.

Coram : R.S.Mohite,J

Date : 25.01.2006.

PC

1. This is an application challenging an order dated 11.11.2005 whereby an application for examining the 2nd witness on behalf of the prosecution is allowed by the Court. It is contended that PW-1 was the 1st witness examined by the prosecution. At an earlier point of time an application had been made on behalf of the Complainant to examine the 2nd witness i.e. Manohar Khetwani. That application was withdrawn in view of an application for recalling

PW-1. The application for recalling was however, dismissed and it is in these circumstances, further evidence is sought to be laid of Mr.Manohar Khetwani. In my view, the trial Court has correctly noticed that no prejudice would be caused to the accused if the evidence of Mr.Manohar Khetwani is recorded. Admittedly, the prosecution evidence is still in progress. It is for the Complainant to prove in best manner he feels fit subject to the condition that the witnesses examined are relevant. Merely because application for recalling under Section 311 has been rejected in respect of earlier witness, that by itself cannot prevent the Complainant from leading further evidence. There is no substance in the application and hence, the application is rejected.

(R.S.Mohite,J)